



Appeal Decision

Hearing held on 3 March 2026

Site visit made on 4 March 2026

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2026

Appeal Ref: APP/C4235/W/25/3362376

Jose Lomas Farm, Gird Lane, Marple Bridge, Stockport SK6 5LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss J Doolan against the decision of Stockport Metropolitan Borough Council.
 - The application Ref is DC/091873.
 - The development proposed is conversion of existing stables and extension to form farm house.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Miss J Doolan against Stockport Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Subsequent to the Council issuing its decision a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Both parties, within their respective submissions, had an opportunity to comment on the revised Framework.
4. Two location plans, with the same reference number, were submitted as part of the appeal documents. At the hearing both parties agreed that the location plan which has the larger area edged in blue, and a smaller area in the northwest corner edged in red, is the location plan upon which the Council made its decision. The parties therefore agreed that the appeal should be determined against that location plan and I have proceeded on that basis.

Main Issues

5. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt;
 - whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a dwelling to accommodate a rural worker;
 - whether the proposed development meets statutory biodiversity net gain objectives; and

- whether the proposal would make adequate provision for recreation and amenity open space arising from the occupation of the proposed development.

Reasons

Whether inappropriate development including effect on openness

6. The appeal site is located within the Green Belt and comprises of a cluster of single storey storage buildings at Jose Lomas Farm, accessed off Gird Lane. The proposal seeks to extend and convert one of these existing buildings into a rural worker's dwelling.
7. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. The Framework establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraphs 154 and 155.
9. In addition to the Framework, Stockport Unitary Development Plan (2006) (UDP) saved policies GBA1.1, GBA1.2, GBA1.5 and GBA1.6 have been referenced in the Council's reason for refusal on the decision notice.
10. At the hearing the Council confirmed that the reference to saved policy GBA1.1 in the reason for refusal was to clarify that the site was located within the Green Belt and the appeal proposal does not conflict with this policy. Based on my assessment of this policy, I see no reason to disagree.
11. With regard to the other UDP Policies referred to in the reason for refusal, paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
12. In this regard, within their submissions, and at the hearing, the Council stated that no weight should be afforded to saved policies GBA1.2 and GBA1.6, and that the Framework is the most suitable and up-to-date policy position in relation to determining applications for proposed development within the Green Belt. However, the Council contend that full weight should be given to saved policy GBA1.5 because it is consistent with paragraph 84 of the Framework in respect of proposals for rural workers dwellings.
13. In respect of the above, I consider that saved policies GBA1.2, GBA1.5 and GBA1.6 are all significantly more restrictive than, and therefore not consistent with the Green Belt section of the Framework. In accordance with paragraph 232 of the Framework, this greatly limits the weight I attach to these policies. I have therefore relied upon the provisions of the Framework in assessing whether the proposed development would be inappropriate within the Green Belt.

Whether the appeal site is Previously Developed Land

14. Paragraph 154 (g) of the Framework allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.

15. The building to be converted into a rural worker's dwelling is described within the description of development on the submitted planning application form as a stable building. The Council confirmed at the hearing that based on the appellant's description of development, as well as their observations on site, they assessed the planning application on the basis that this building represents previously developed land.
16. However, at the hearing the appellant, who was self-representing, commented that whilst the building was previously used as a stables, it has been used for storage purposes since they acquired the site in 2022. Specifically, the appellant stated that the appeal building is currently used to store general and agricultural items.
17. Upon hearing this admission from the appellant, the Council stated that any parts of the appeal building that were being used for agricultural storage would not represent previously developed land as per the definition within the Framework.
18. Be that as it may, it is well established that the definition of previously developed land in the Framework has flexibility in that a finding that land is previously developed may not require every part of the application site to be found to be previously developed.
19. In this regard, the appeal building consists of three enclosed bays. During my site visit I observed that each of these bays was being used for storage purposes. However, whilst I noted a wide range of items were being stored within each of these bays, I saw very little, if any, evidence of any agricultural equipment being stored within the appeal building.
20. As such, based on the appeal submissions and my own observations on site, rather than the appellant's comment at the hearing, I find that the extent of any agricultural storage taking place within the appeal building was minimal. Therefore, I conclude that this former stable building, which is currently being used for general storage purposes, represents previously developed land.
21. Notwithstanding the above however, the Council contend that the proposed extension to the appeal building would be built on land that is not previously developed due to an absence of any built development. The appellant does not agree, stating that the land upon which the extension would be built is hard surfaced, gravelled and not part of the green fields associated within the wider agricultural use of the site.
22. In view of this dispute, whether this part of the appeal site is previously developed land is a matter of planning judgement.
23. This section of disputed land is situated directly between the appeal building and the raised access track to the north. It is clear that some levelling work has taken place on this land to create a flat area, and at the time of my visit it was covered in hardcore aggregate and external items were being stored around this area. Neither party has provided any information as to when this levelling works took place and when the hardcore was laid.
24. Nevertheless, I found that this section of land was closely associated with the existing storage buildings directly to the south, as well as the access track to the north, as opposed to the green undeveloped land associated with the wider agricultural use. As such, based on the limited information before me, and my observations on site, on the balance of probabilities I find that the proposed extension would be built on previously developed land.

25. In view of the above, I conclude that the proposal would comprise of the partial redevelopment of previously developed land at the appeal site.

The effect on openness

26. In accordance with paragraph 154 (g) of the Framework it is also necessary to consider what the impact upon openness would be, and whether the proposal would cause substantial harm to the openness of the Green Belt. Openness is one of the Green Belt's essential characteristics and Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
27. Whilst I have found that the land upon which the proposed single storey extension would be built is previously developed, it does not currently consist of any built form above the existing hardcore surface at ground level. Consequently, the increase in footprint and built form arising from this extension to the rear of the appeal building would alter the spatial openness of the Green Belt in this location.
28. Furthermore, the increase in ridge height, footprint and volume of the appeal building would also have a visual impact on the openness of the Green Belt. However, I observed that views of the appeal site from Gird Lane are limited due to existing mature trees and vegetation. Furthermore, due to the natural sloping topography of the land the appeal building is set at a lower level than the highway of Gird Lane and the proposed development would therefore also be partially obscured from this highway by the sloping land between.
29. During my visit I observed that the appeal site is not visible from the Public Right of Way (PRoW) to the south, situated beyond Hollywood End Brook, due to a combination of the significant change in land levels and intervening woodland consisting of mature trees. Long to medium range views of the appeal site from public vantage points to both the east and west are also obscured by mature trees and vegetation.
30. Views of the appeal site, and the appeal building, were however afforded from certain public vantage points along the highway of Hollywood Road which is situated a considerable distance to the south. From this distance I found the proposed increase in ridge height of the appeal building by 0.8m would have a limited visual impact on the openness of the Green Belt. Furthermore, the proposed single storey extension to the rear would not be visible from this highway, as it would be situated behind the appeal building and other buildings on the site.
31. I acknowledge there would be some closer-range views of the appeal building from the PRoW which runs directly through the appeal site, especially when approaching from the east. However, these views would be for a relatively short distance, and the extended building would be seen within the context of the existing cluster of buildings which currently occupy this part of the site.
32. I therefore conclude that the effect of the proposed extensions and alterations to the building on the openness of the Green Belt would fall short of substantial harm.
33. In terms of external areas and the proposed residential curtilage, I note the Council has not raised any specific objection in relation to the proposed residential curtilage. Moreover, I observed on site the external area around the appeal building is currently used to store various items and the appellant currently parks their car in this location whilst working at the farm. I therefore find the proposed residential

curtilage would have only a minimal impact, if any, on the openness of the Green Belt in comparison to the existing use of this section of land for storage purposes.

34. Additionally, both parties agreed at the hearing that the proposal would not conflict with any of the five purposes of the Green Belt, as specified at paragraph 143 of the Framework, and based on my observations on site I see no reason to disagree.
35. In view of all the above, as a result of the proposed increase in ridge height, footprint and volume, I find the proposed development would have more of an impact on both the visual and spatial aspects of openness than the existing development on this site. The proposal would therefore not preserve openness.
36. Whether the harm to openness would be 'substantial' is however a matter of planning judgement. In this case, for the reasons given above, I find that the overall degree of harm to the openness of the Green Belt would be limited to moderate, and therefore not substantial.

Green Belt Conclusion

37. In view of all the above, I conclude that the proposal would represent the partial redevelopment of previously developed land and would not cause substantial harm to the openness of the green belt. The appeal proposal therefore meets the exception at paragraph 154 (g) of the Framework and would not be inappropriate development in the Green Belt, as defined by the Framework.
38. The appellant also claims that the appeal proposal would adhere to the exceptions detailed at paragraphs 154 (a), 154 (c), 154 (h) (iv) and 155 of the Framework. However, as I have found that the appeal proposal meets the exception at 154 (g), it is not necessary for me to consider any of these other suggested exceptions.
39. Furthermore, given that the proposal would not amount to inappropriate development, there is no need for me to go on to consider whether very special circumstances exist in order to justify the development in the Green Belt.

Essential need for an isolated dwelling to accommodate a rural worker

40. The appeal site is located outside of any defined settlement boundary and the Statement of Common Ground¹ (SOCG) confirms that the appeal proposal seeks consent for a rural worker's dwelling, not an open market dwelling. At the hearing the Council confirmed that the planning application was assessed on that basis.
41. I heard at the hearing that the nearest defined settlement boundary is Marple Bridge and my attention was also drawn to the nearer hamlet of Mill Brow. Nevertheless, I observed on site that the appeal site is physically detached from both Marple Bridge and Mill Brow. Consequently, the proposal would represent an isolated dwelling in the countryside and the parties agreed that paragraph 84 of the Framework is applicable.
42. In this regard, whilst not within their appeal submission, at the hearing the appellant claimed that the proposal would adhere to the exception at paragraph 84 (c), which allows for the development of an isolated home where it would re-use redundant or disused buildings and enhance its immediate setting. However, as mentioned earlier the appeal building is currently in use and therefore does not represent a redundant

¹ Paragraph 10.1

or disused building. As such, I do not find the exception at paragraph 84 (c) of the Framework to be applicable to the appeal proposal.

43. The appellant's appeal submissions assert that the proposal would comply with the exception at paragraph 84 (a), which states "*there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside*".
44. In this regard the Council has drawn my attention to saved policy GBA1.5 of the UDP which they consider to be relevant to this main issue. This policy seeks to restrict new residential development in the Green Belt to certain categories, including dwellings essential for the purposes of agricultural.
45. Whilst I acknowledge that GBA1.5 is broadly consistent with paragraph 84 (a) of the Framework in respect of assessing whether a proposed dwelling would be essential for the purposes of agriculture, it is specifically a Green Belt policy and paragraph 84 of the Framework is not a Green Belt policy.
46. As detailed above, I have found policy GBA1.5 is significantly more restrictive than, and therefore not consistent with, the Green Belt section of the Framework and I have also concluded that the proposal would not be inappropriate in the Green Belt.
47. I do not therefore find that saved policy GBA1.5 is relevant to this main issue relating to the essential need for a dwelling to accommodate a rural worker in an isolated location in the countryside. I have therefore made my assessment on this matter against the provisions of paragraph 84(a) of the Framework.
48. The Framework does not specifically define 'essential' need. However, the PPG sets out what may be relevant to take into account when considering the need for an isolated home in the countryside for essential rural workers.
49. The PPG suggests, amongst other things, this could include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural business. For instance, where farm animals or agricultural processes require on-site attention 24-hours a day, and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of products.

Existing essential need

50. At the hearing the appellant explained that they currently live in the town of Leigh, approx. 26 miles from the appeal site and it currently takes them approx. 1 hour, sometimes longer due to traffic, to travel to the appeal site. It was also explained that the appellant sometimes stays at a neighbouring property close to the appeal site when animals are sick, but this is not a long-term solution as that neighbour has recently sold their property. I also heard how the appellant spends approximately 12 ½ hours at the site every day.
51. I was informed that the existing farm currently consists of 4no. horses and 2no. pigs. From the evidence before me the horses assist with the general management of the land and from what I observed they appear to live and graze at the site.
52. With regard to the 2no. pigs, at the hearing the appellant explained that they do not currently generate any income for the farm, as they have been bought in preparation of the proposed pig breeding business the appellant would like to operate in the

future. I observed that the existing pigs were housed in areas enclosed by fencing, with a sheltered area provided within.

53. The appellant states that they need to reside on site to look after these existing animals as they might escape or might get chased by dogs. However, it is not uncommon for animals to be left alone in rural areas and with correct enclosures and fencing these mentioned risks can be reduced. Additionally, these animals have been successfully living at the site without the need for a permanent rural worker's dwelling.
54. As such, whilst I acknowledge that the appellant does need to spend some time on site providing some care for these existing animals, it has not been satisfactorily evidenced that they would require attention 24-hours a day. Furthermore, there is a lack of information as to what income these existing animals currently generate for the business. Consequently, I do not consider it essential that the appellant lives on the site to look after the 4no. horses and 2no. pigs.
55. In addition to the general husbandry of the existing animals, I heard how the appellant's responsibilities at the site also include the maintenance of the land; management of trees; removal of ragwort and invasive plant species; restoration of field gates, fencing and walls; keeping the PRow clear and clearing dog mess left by walkers.
56. Whilst I acknowledge the importance of the various works the appellant undertakes on this land and acknowledge the time the appellant clearly spends at the site, again I do not consider that it is essential that they live at the site to undertake the existing activities. The reason being these works could generally be carried out during the daytime hours and do not require the appellant to be on site 24-hours a day.
57. In coming to this view, I appreciate the appellant's comments that they currently have to travel an hour to and from the site each day, and the stress this causes them. However, given that I have found that it is not essential for the appellant to live at the site to undertake the existing activities, I can give this factor only very limited weight.
58. In view of all the above, I find that it is not essential for the appellant to live at the appeal site to undertake the existing activities.

Proposed essential need

59. In addition to the existing activities that take place on this site, the appellant submits that they are seeking to expand the farming enterprise, by way of breeding pigs. It is submitted that the appellant intends to buy an additional pig / sow, taking the total on site to 3no, and then breed piglets for sale.
60. The submission details how the appellant has prior approval² for the erection of a pigsty building on the appeal site and it is claimed that the breeding sows and piglets would be kept in this building. This pigsty building has however not yet been constructed and the pig breeding business is not operating as the appellant contends that they need a rural worker's dwelling on the site before this enterprise can begin.
61. The appellant explains that they need to live on site before the pig breeding enterprise can begin because breeding pigs require constant care, as do the piglets once born. I heard how each sow can produce a litter of approx. 10-13 piglets within a gestation period of 3 months. The appellant detailed how it is important to be on

² DC/087808

site throughout the pregnancy period as sows can become stressed from dogs using the PRow and also because they can give birth at any time within a 3-4 week window. It was also explained how someone needs to be on site all the time after birth as piglets can get crushed or even eaten by their mother.

62. In the scenario whereby a piglet is eaten, it was explained how it is essential that the other piglets are immediately separated from their mother to prevent this happening again. The submission also detailed how pigs can suffer from heat stress and therefore this also needs to be monitored constantly.
63. The appellant therefore contends that it is essential that they are on-site permanently to monitor this, as prolonged periods of time away from the site could have catastrophic consequences for the sows and piglets. The appellant therefore stated it is a matter of animal welfare that requires them to live permanently on site to look after breeding sows and their piglets.
64. The Council admitted at the hearing that they have not sought any expert advice on this matter, and therefore offered no counter arguments to the evidence and explanations in terms of the need to be on site provided by the appellant.
65. At the hearing I enquired as to whether any of these risks could be mitigated through the use of technology, such as CCTV and remote temperature control. In response the appellant detailed how piglets tend to go under barriers or under the sows and therefore could not be adequately seen on CCTV. I also heard how temperature control was not possible due to the open nature of the appeal site resulting in the temperature changing quickly.
66. Whilst I was not entirely convinced of the appellant's explanation in respect of why temperature cannot be controlled remotely, I do accept that CCTV within the pigsty would have its limitations in being able to keep a track of the sows and piglets.
67. Based on the information before me, and the compelling arguments put forward by the appellant during the hearing, as well as the lack of counter arguments from the Council to dispute the explanations and evidence provided, I find that there would be an essential need for the appellant to live permanently at the site to look after breeding sows and their piglets.

Viability of the proposed enterprise

68. Notwithstanding the above however, in addition to providing guidance on considerations in respect of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a rural business, the PPG also refers to the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; and whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.
69. In this regard, the appellant has provided a document / spreadsheet entitled 'Sales Forecast Business Plan' (Business Plan). The three-year Business Plan is based on 3no. sows producing an average of 10no. piglets, twice per year.
70. In terms of the expenditure, at the hearing the appellant acknowledged that vet bills would be £200 per quarter, as opposed to £200 per year as shown on the spreadsheet. The appellant also accepted that the £150 cost of having the sows impregnated by a boar had not been included in all the calculations. Furthermore, the

£400 insurance estimate had also not been included within the expenditure figures. When each of these additional costs are factored, it increases the appellant's yearly expenditure estimates by approx. £1,150.

71. With regard to incomings, the appellant estimates that each piglet would be sold for £100, generating sales of £6,000 per year. The appellant did however explain that this was a conservative estimate because sows can produce more than 10no. piglets in a litter. A greater number of piglets produced would therefore increase the predicting incomings by £100 per piglet.
72. Turning to the profit, the submitted Business Plan demonstrates that the proposed pig breeding enterprise would generate profits of: Year 1 - £4,120; Year 2 - £4,560 and Year 3 - £4,560.
73. As detailed, at the hearing it was found that expenditure would be greater than included in the Business Plan, but also the income could be greater. As such, and based on what I heard, whilst the end profits in each year may be slightly different to these predictions, I find that they provide a reasonable guide.
74. It must however be pointed out that the Business Plan does not include any wages. Thus the profits provided would be used to sustain the enterprise and the appellant's livelihood. In this respect I find that the predicted profits of around £4,000 - £4,500 per year that would be generated by the pig breeding enterprise are very modest. Consequently, I do not find that this would represent a viable business on its own.
75. The appellant's Business Plan does include other incomes generated at the farm. These include income received from the Countryside Stewardship Fund, the Basic Payment Funding and the Sustainable Farming Incentive. When added to the predicted incomes from the proposed pig breeding enterprise, they would together generate an annual income of approx. £26,000 - £26,500 per year.
76. However, at the hearing I heard that the Basic Payment Funding was no longer applicable, and from the evidence before me the Countryside Stewardship Funding the appellant currently receives expires in August 2026. This Countryside Stewardship Funding alone brings in £18,000 per year and therefore if it was to expire it would significantly impact upon the overall viability of the farm as a whole.
77. I acknowledge that the appellant states the Countryside Stewardship Funding can be extended. However, I have no substantive evidence before me to prove that this would be extended; and if so for how long and for how much funding per year. The appellant also stated that there are other grants available that they could apply for to generate more income. However, again I have limited information before me in respect of these.
78. Nevertheless, it would appear that these other sources of income, including the appellant's pensions which were also referred to at the hearing, are existing incomes and therefore not connected to, or dependant on, the proposed pig breeding enterprise.
79. I have already established that there is no requirement for the appellant to live permanently at this site to undertake the existing activities that currently take place and any such need for a dwelling derives from the proposed pig breeding enterprise only. As such, the proposed pig breeding enterprise would need to, in itself, demonstrate that it is viable and can sustain the proposed dwelling.

80. Moreover, the appellant's submission does not provide any estimated costs associated with the conversion and extension of the existing building to create the proposed dwelling, and no estimate was provided at the hearing. Additionally, the submission and Business Plan does not include any costs associated with the construction of the pigsty to house the pigs. At the hearing the appellant stated that the estimate for the construction of the pigsty was approx. £30,000 - £40,000.
81. Clearly, the combined costs of building the pigsty, and converting and extending the existing building to create the dwelling, would be significant. These costs would only further negatively impact upon the viability of the business and reduce the level of confidence that the enterprise will remain viable for the foreseeable future based on the very modest profits that would be generated by the pig breeding enterprise.
82. In view of all the above, on the basis of the evidence before me and what I heard at the hearing, it has not been adequately demonstrated that the proposed pig breeding enterprise would remain viable for the foreseeable future to justify the provision of a permanent dwelling at this site, or that the proposed dwelling is essential for the continued viability of the business.

Temporary accommodation

83. In the case of new enterprises the PPG states that consideration should be given to whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. I find this matter particularly important to this appeal as the proposed pig breeding business is not yet operational and I have found that the existing operation does not justify a permanent dwelling.
84. For the reasons given, I have found that there is currently no need for a permanent rural worker's dwelling at the site and any essential need relates to the proposed pig breeding enterprise only. However, there is no guarantee, or mechanism to ensure, that the proposed pig breeding business would be implemented if this appeal was allowed.
85. I acknowledge the appellant's comments that they need the dwelling on site before they can start to establish the pig breeding business, as this would allow them to look after and care for the pigs. However, a scenario also exists whereby the appeal could be allowed for a permanent rural worker's dwelling on the basis of need for a proposed enterprise, but then that proposed enterprise may not be established, or if it is implemented, ended quickly for various reasons.
86. It is for these scenarios where I find the PPG guidance in relation to considering granting permission for a temporary dwelling for a trial period to enable a proposed enterprise to establish to be crucial.
87. In this regard, the appellant states that for medical reasons they cannot live in a caravan, and has provided a letter from a consultant orthopaedic surgeon in support of this claim. Furthermore, the Council accepted, within the SOCG and confirmed at the hearing, that Gird Lane is too narrow to enable a caravan or mobile home to be delivered to the site.
88. Nevertheless, there are other ways of providing temporary living accommodation at the site, and these do not appear to have been fully explored and discounted by the appellant.

89. At the hearing the appellant stated that there is nowhere to put temporary accommodation on the site as the land is not flat, and also that it would not be financially viable.
90. Whilst I observed that the appeal site is sloped, I have not been provided with full topographical details. Nonetheless, as mentioned, there is a section of land to the rear of the appeal building, where the proposed extension would be constructed, which is level and it has not been demonstrated that some form of temporary accommodation, such as a timber cabin, could not be constructed on site and located in this space. Furthermore, I am not convinced that some further levelling works could not be carried out at the site to create a flat area for a temporary structure.
91. Additionally, it has not been explored if the existing stone appeal building could potentially be converted into a modest form of accommodation for a temporary period whilst the proposed pig breeding business is established.
92. I note the appellant's concerns in terms of the costs and viability of this approach. However, as detailed, I have not been provided with any information in respect of the costs associated with the conversion and extension works to create the proposed dwelling.
93. Consequently, I cannot draw any comparisons or distinctions between the costs associated with providing a permanent dwelling and temporary accommodation at this site to enable me to reach a conclusion that providing some form of temporary accommodation would not be financially viable.
94. I therefore find that the appellant has not satisfactorily demonstrated that providing some form of temporary accommodation on the site to establish the pig breeding business for a trial period is not appropriate.

Conclusion on essential need

95. In view of all the above, I conclude that it is not essential for the appellant to live at the appeal site to undertake the existing activities that currently take place. However, based on what I heard at the hearing I accept that there would be an essential need for the appellant to live permanently at the site should the proposed pig breeding enterprise be established.
96. Nonetheless, as the proposed pig breeding business is not yet operational there is currently no essential need for a permanent rural worker's dwelling at the site and there is no guarantee that the proposed pig breeding business would be implemented if this appeal was allowed. In this scenario I consider it wholly appropriate to consider the provision of temporary accommodation on the site to establish the pig breeding business for a trial period, and for the reasons given I find that the appellant has not adequately demonstrated that some form of temporary accommodation could not be provided.
97. Additionally, and in any case, it has also not been adequately demonstrated that the proposed pig breeding enterprise would remain viable for the foreseeable future to justify the provision of a permanent dwelling at this site, or that the proposed dwelling is essential for the continued viability of the business.
98. Drawing the above matters together, I conclude on this main issue that in accordance with the guidance contained within the PPG, it has not been demonstrated that there is an essential need for a rural worker to live permanently at the appeal site. The

appeal scheme therefore conflicts with the aim in paragraph 84 of the Framework to avoid the development of isolated homes in the countryside.

Biodiversity Net Gain (BNG)

99. Under the Environment Act 2021 and Schedule 7A of the Town and Country Planning Act 1990 (as amended) (TCPA), mandatory BNG applies to the development of small residential sites where applications have been made on or after 2 April 2024.
100. The planning application form is dated 22 June 2023. However, the Council state that the planning application was received on 8 April 2024 and a copy of the Council's acknowledgement letter has been provided as evidence of this. Furthermore, within their Statement of Case the appellant states that *"The application was resubmitted and marked as received on 8/4/2024 but not validated until 5/6/2024."*
101. At the hearing the appellant suggested that the planning application was submitted in February 2024, however I have been provided with no substantive evidence to support this claim.
102. As such, based on the evidence before me, I cannot but conclude that the planning application was received by the Council on 8 April 2024 and the proposal is therefore subject to the statutory BNG requirements.
103. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 ('the DMPO'), planning applications relating to small residential sites submitted after the above referenced date are required to be accompanied by certain information relating to BNG.
104. The minimum information required includes a completed biodiversity metric calculation, showing the biodiversity value of the on-site habitat, and various other related details which are listed in full in sub-paragraph (c) of the above Article. This requirement applies to all planning applications, except where one of the exemptions specified in the legislation applies.
105. These exemptions are set out in paragraph 17 of Schedule 7A of the TPCA and the Biodiversity Gain Requirements (Exemptions) Regulations. One such exception is for self-build or custom build housing developments. The meaning of self-build and custom home building is defined in the Self-Build and Custom Housebuilding Act 2015 (the Self Build Act).
106. The appellant claims that the property would be a self-build dwelling as they commissioned the design and intend to carry out the work themselves, with help from local trades people. Consequently, the appellant is of the view that the proposed development is exempt from the statutory BNG requirements on the basis that it would be a self-build dwelling.
107. However, this exemption can only be applied if the decision-maker has certainty that the proposed development represents a self-build or custom build proposal. In order to provide this certainty, the development would need to be secured as a self-build or custom-build dwelling, with a mechanism required to ensure that the proposed dwelling would be occupied by the appellant, or another person fulfilling the self-build criteria.
108. This could be secured by a legal agreement or undertaking. However, no such obligation has been entered into or provided.

109. Consequently, with no legal agreement, undertaking or other mechanism to secure the proposed development as a self-build or custom-build dwelling, as per the definition in the Self Build Act, I conclude that there is no valid exemption from the statutory BNG requirement. The proposed development is therefore subject to the biodiversity gain condition and the minimum information requirements.
110. In the absence of the minimum information requirements being provided with the planning application, the appeal proposal fails to meet the statutory duty for BNG as set out under Schedule 7A of the TCPA (as inserted by Schedule 14 of the Environment Act 2021).

Recreation and amenity open space provision

111. Policy SIE-2 of the Core Strategy DPD (2011) (DPD) states that development will be expected to take a positive role in providing recreation and amenity open space to meet the needs of its users/occupants. It goes on to state that in those parts of the Borough with a deficiency in recreation and amenity open space, small new residential developments will be required to contribute towards the provision of open space for formal and casual recreation and children's play in locations which are accessible to future occupiers.
112. In regard to children's play space, the Council's submission details that the appeal site is outside any of the catchment zones for which a contribution for children's play facilities can be sought and therefore only provision and maintenance of formal recreation facilities is being sought in respect of the proposed development. As such, the Council state that the reference to saved policy L1.2 of the UDP in the reason for refusal was incorrect.
113. With regard to the provision and maintenance of formal recreational facilities, as part of their appeal submission the Council have drawn my attention to Table 4 of the Open Space Provision and Commuted Payments Supplementary Planning Document (SPD) which shows a current deficiency of play provision within the Marple Committee Area, within which I was informed the appeal site is located.
114. At the hearing the Council stated that all residential developments are required to make a contribution towards the provision and maintenance of formal recreational facilities. To that end, the Council's submission details that in accordance with the standard formulae within the Annex to the SPD, a required financial contribution of £2,703.00 would be required, secured in the form of a planning obligation. The appellant has not however provided a planning obligation to secure this contribution.
115. In this regard, the appellant contends that they should not have to make this financial contribution because the proposal would be a self-build development and is therefore exempt from CIL. However, as detailed above, there is no mechanism before me to secure the development as self-build, and in any case, this requested contribution is not CIL. As such, even if the development was secured as self-build, it would not be exempt from this contribution for that reason.
116. The appellant also argued that they should be exempt from this commuted sum as they currently already contribute towards recreational facilities and open space through their maintenance and improvement of the PRoWs that run through the appeal site. I am not however persuaded by such an argument as the maintenance of these PRoWs is an existing situation and the contribution being

sought relates to the additional demand on recreational and open space facilities that would arise from the provision of a new dwelling in the area.

117. Nevertheless, having regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010, which requires all planning obligations to be necessary to make the development acceptable and directly related to the development, at the hearing I asked the Council where this requested contribution would be spent.
118. The Council did not however identify a specific project for the proposed commuted sum, commenting that it would go into a central pot. The Council went on to explain that whilst spending this money in the local area would be most beneficial to future occupiers, it could potentially be spent anywhere in the borough, as the borough is accessible to all residents for sport and recreation.
119. In support of this claim I note that para 4.15 (a) of the SPD states that *“Committed sums for formal sports provision are currently allocated on a borough wide basis against strategic priorities reviewed annually with the Executive Councillor.”* However, this specifically refers to formal sports provision rather than recreation and amenity open space. I acknowledge that the Council stated at the hearing that these covered the same provisions. Nevertheless, I find the varying terms used within the SPD in relation to this requested contribution to be somewhat unhelpful and unclear.
120. Notwithstanding the above, point 2 of DPD Policy SIE-2 states that *“...small new residential developments will be required to contribute towards the provision of open space for formal and casual recreation and children’s play in locations which are accessible to future occupiers.”*
121. This is expanded upon in the supporting text of the policy, where at para 3.338 it states *“USE OF FUNDS – it is necessary to use the funds in a way that they are directly related to the funding development”*.
122. Moreover, para 3.339 of this policy states *“FORMAL OPEN SPACE - ... Although people travel some distance for formal sports, funds can only be used within the area and if easily accessible from the funding development, thereby ensuring a direct relationship between the facility and the funding development”*.
123. As such there appears to be some inconsistency between the text within the SPD and Policy SIE-2, both in terms of the name of the provision that is being sought by the Council, but in particular whether or not the funds should be spent boroughwide or in locations easily accessible from, and therefore directly related to, the funding development.
124. Having regard to this inconsistency, and more importantly in the absence of any details as to where, or on what project, this requested commuted sum would be spent, I cannot be certain that the contribution sought would be necessary to make the development acceptable or that it would be directly related to the development.
125. Consequently, and notwithstanding the aims of DPD Policy SIE-2 which I have set out above, on the evidence before me I am unable to conclude that a planning obligation seeking to secure a contribution for the provision and maintenance of formal recreational facilities would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. In these circumstances, the absence of a planning obligation securing this requested contribution does not weigh against the development.

126. In coming to the above view, I acknowledge that at the hearing the Council stated that the provision of this commuted sum has been tested at various appeals and found to be sound. However, these appeal decisions have not been put before me and thus I am not aware of what information was before the respective inspectors.

Other Matters

127. I have had regard to the letters of support and acknowledge the improvements the appellant has carried out on the appeal site. These improvements have however been made without the appellant living on the site and do not demonstrate an essential need for a permanent rural worker's dwelling.

128. The appellant's submission includes a copy of a decision notice for a Class Q prior approval for change of use of an agricultural building to a dwelling house in Cheshire East³, as well as drawing my attention to an approved planning application in Wigan⁴ for the conversion of a stables to a dwelling.

129. Whilst each appeal must be judged on its own individual merits, I have been provided with very limited information in respect of these decisions, within other authorities, to enable me to draw any comparisons with the appeal scheme before me. I have therefore given these decisions very limited weight in my determination of the appeal proposal.

Planning Balance

130. I have found that the proposed development would not represent inappropriate development in the Green Belt, as defined by the Framework, and I have found that the absence of a planning obligation securing the requested contribution towards the provision and maintenance of formal recreational facilities does not weigh against the development.

131. However, the proposed development would represent an isolated home in the countryside, and it has not been demonstrated that there is an essential need for a permanent rural worker's dwelling at the appeal site. The appeal scheme therefore conflicts with the aim in paragraph 84 of the Framework to avoid the development of isolated homes in the countryside. I find the harm arising from this conflict to be significant.

132. I have also found that the minimum information requirements have not been provided to meet the statutory duty for BNG as set out under Schedule 7A of the TCPA (as inserted by Schedule 14 of the Environment Act 2021). I attribute significant weight to this.

133. The Council has confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the appeal are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

³ Council Ref: 22/3931M

⁴ Council Ref: A/19/87817/FULL

134. Footnote 9 explains the policies referred to are those in paragraphs 66; 84; 91; 110; 115; 129, 135 and 139 of the Framework.
135. As the appeal proposal is not for a major housing development, and does not propose a main town centre use, paragraphs 66 and 91 are not relevant to this appeal.
136. I have already concluded on paragraph 84, above.
137. The appeal proposal seeks to convert and extend an existing building into residential use. Based on the submitted information I find no conflict with the design provisions of paragraphs 135 and 139 of the Framework.
138. In terms of the sustainability of the appeal site, I heard at the hearing that the hamlet of Mill Brow consists of residential properties and a public house. This hamlet therefore provides minimal services and facilities for future occupiers of the proposed dwelling.
139. I was however informed that the nearest defined settlement of Marple Bridge has a number of services and facilities, including bakeries, general stores, a newsagent, hairdressers, doctor, dentist, funeral directors, clothes shop and post office. Be that as it may, I have been provided with limited information in respect of the exact distances from the appeal site to these facilities, although the Council did state at the hearing that the distance was significant. I also have very limited information before me in respect of any public transport connections from the appeal site.
140. Nevertheless, based on my own observations on site, I found that the facilities in Marple Bridge were located a significant distance from the appeal site and beyond a reasonable walking distance. Furthermore, I found sections of the highways comprised of relatively steep inclines and did not include footpaths or street lighting. These factors result in both walking and cycling being unrealistic and unattractive options to access the services and facilities in Marple Bridge, particularly for those with a disability or with young children.
141. I note that the appellant states that the use of electric scooters and bikes means that navigating inclines is not an issue. However, not everyone has access to an electric scooter or bike and in any case, this does not overcome the other concerns I raise in respect of a lack of footpaths and street lighting, or the significant walking distance to these nearest facilities.
142. I do also acknowledge that living on the site would reduce the number of car journeys for commuting purposes for the appellant. However, given the isolated location of the appeal site almost all other journeys would likely be made using the car. Furthermore, no substantive evidence has been provided to demonstrate that living at the site would reduce the overall number of vehicle movements to and from the site.
143. As such, and on the evidence before me, due to its isolated location I find that the appeal site is not located within a sustainable location and would not limit future car use as it does not have good access to facilities and services, and no evidence has been provided in respect of public transport connections. The proposal would not therefore accord with paragraphs 110, 115 (a) and 129 (c) of the Framework.
144. In addition, the Framework seeks to significantly boost the supply of homes and make efficient use of land. The Council has confirmed that it can currently demonstrate a 1.77-year supply of deliverable housing sites. As such, whilst the provision of one additional dwelling would make only a very limited contribution to

supply, taking into account the Council's significant shortfall in deliverable housing sites, I attach moderate weight to the social benefits arising from the provision of one dwelling which could potentially be delivered relatively quickly.

145. Economic benefits would arise from the proposal, including contributions to the local economy during the construction phase of the development. These however would be short term benefits. In accordance with paragraph 83 of the Framework further economic benefits would also arise from additional spending in the wider area by the occupants of the dwelling. I also acknowledge that the appeal proposal would allow for the pig breeding enterprise to begin and this would in turn create economic benefits by way of food production. Cumulatively, given the scale of development the economic support to the area arising from the appeal proposal would however be relatively small. I therefore attach limited weight in respect of the economic benefits.
146. The appellant has commented that children would be able to visit the site to see the pigs and learn about them. However, there is limited information before me in respect of this matter and this therefore limits the weight I can attribute it in favour of the appeal scheme.
147. The appellant also refers to the benefits that have been made to the site since they acquired it. However, as mentioned previously, these improvements have been made without the appellant living on the site and there is no evidence before me that the only way the site can continue to be maintained in its current state is through the provision of a permanent rural worker's dwelling.
148. As mentioned previously, the appellant states that the proposed dwelling would be a self-build property and I acknowledge paragraph 73(b) of the Framework supports small sites to come forward for self-build and custom-build housing.
149. The parties have not however provided details on the level of need for self-build plots within the authority, as per the self-build register, or details of how many self-build plots have been granted consent. Moreover, as detailed elsewhere in this decision, I have no legal agreement, undertaking or other mechanism suggested to secure this dwelling as a self-build plot under the legislative requirements of the Self Build Act.
150. Consequently, in the absence of any detailed information in respect of self-build plots within the borough and a mechanism to secure this provision, I give the self-build consideration limited weight in favour of the appeal proposal.
151. The appellant submission states that they are investigating the use of a heat source pump and solar panels within the dwelling. However, there is no energy statement, or similar details, before me to demonstrate the exact energy efficiency level that the proposed dwelling would achieve. This therefore limits the weight I can attribute to this as a matter in favour of the appeal proposal.
152. In view of all the above, I find that the adverse impacts arising from the development of an isolated home in the countryside, and the failure to provide the minimum information requirements to meet the statutory duty for BNG, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

153. For the reasons set out above, the proposal conflicts with the provisions of the Framework, as well as the requirements of Schedule 7A of the TCPA (as inserted by Schedule 14 of the Environment Act 2021). Therefore, and for the reasons given above, the appeal is dismissed.

R Major

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jenny Doolan - MSc BSc

KT Allen - BSc

FOR THE COUNCIL:

Suzanne Broomhead – BA MA MRTPI Senior Planning Manager

Mark Burgess – BA Dip TP MRTPI Planning Officer

Malcolm Orrell – BSc GDL LPC Solicitor (Deputy Head of Planning and Highways)